



in the parole decision-making process which occurred in 1973 and the prior unanticipated affect on sentences imposed prior to that time.

The rule of the Third Circuit has no application to sentences imposed subsequent to the Fall of 1973. The rule, therefore, is narrow, and seeks only to protect the integrity of determinations made by the Judicial Branch prior to the imposition of Federal guidelines for parole consideration in 1973.

The role of the Judicial Branch in pronouncing sentence upon a convicted felon is, perhaps, one of the most important and expedient duties of the Court. Numerous factors are taken into consideration before sentence is pronounced including the Court's understanding as to the type of meaningful parole consideration the individual will receive. The promulgation of new guidelines which occurred in 1973 established a new criteria which prior sentencing courts were totally unapprised of nor could reasonably foresee. This change in criteria thwarted the role of the Judicial Branch. Should this Court prevent judicial intervention in the instant case, it shall have succeeded in critically disturbing the delicate balance of power which exists between these two branches by reason of the decision of the Third Circuit below.

CONCLUSION

By reason of the foregoing, this Court should determine that a Sentencing Court has jurisdiction pursuant to the post-sentencing relief of 28 U.S.C. §2255 upon a showing that the Sentencing Judge's expectations were frustrated by the subsequent changes in criteria considered by the Parole Commission granting or denying relief, which changes fundamentally altered the criteria applied in parole decision-making process employed by the Parole Commission.

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